

REMARKS

A. Introduction

Claims 1-20 were presented for examination.

Examiner required an Election/Restriction under 35 U.S.C. 121 between

I. Claims 1-12; and

II. Claims 13-20.

Claims 1-12 are elected.

Claims 13-20 are restricted.

Claims 1-9 and 12 were objected to.

Claims 1-11 were rejected.

Claims 1, 3, 5, 9 and 12 are amended.

Claims 2 and 4 are cancelled.

B. Claim Objections

The Examiner objects to Claims 1-9 due to informalities and Claim 12 as being in improper form. Applicant has amended Claims 1 and 12 as the Examiner suggested. It is therefore believed that the claim objections should be withdrawn.

C. Claim Rejections Under 35 U.S.C. §112

The Examiner rejects Claims 2-8, 9/2, and 9/3 as being indefinite because the term “said sleeve” in Claim 2 lacks positive antecedent basis. Claims 2 and 4 have been cancelled. It is believed that Claim 1, as amended, from which Claims 3, 5-8 and Claim 9/3 depend, satisfies all antecedent basis requirements. Therefore, the Applicant requests that this rejection be withdrawn.

D. Claim Rejections Under 35 U.S.C. 102(b)

The Examiner rejects Claims 1-5, 9, 10, and 11; and Claims 1 and 9/1 as being anticipated under Section 102(b). A claim is anticipated only if each and every element set forth in the claim is

found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); Manual of Patent Examining Procedures (M.P.E.P.) §2131. As set forth in detail below, the Applicant respectfully disagrees with the Examiner's anticipation rejections.

Claims 1-5, 9, 10, and 11

The Examiner rejects Claims 1-5, 9, 10, and 11 under 35 U.S.C. §102(b) as being anticipated by Johnson (U.S. Patent No. 5,400,542). Claims 2 and 4 have been cancelled and the limitations in Claims 2 and 4 have been added to Claim 1 by amendment.

The Examiner suggests that Johnson discloses a body (32); a hook (14); at least one opening; at least one sleeve in the opening; at least one elongated arm (22) which is flexible cable wire and extends backwardly from the body.

Claim 1 requires the sleeve to be secured within the opening and now, as amended, extend from the body. These limitations are not found in Johnson. The sleeve in Johnson is clearly not securable within the opening or extending from the body. Instead, the sleeve in Johnson is disposed wholly within the body of the lure.

Furthermore, Claim 1, as amended, requires the arms to extend outwardly and backwardly from the body. The arm in Johnson does not extend outwardly and backwardly from the body of the lure, as the Examiner suggests. Although the Examiner argues that the arm "can be considered as extending backwardly since the direction of travel of the lure or particular point of reference would determine the front and back of the lure...", he admits that the unlabeled opening (from which the arm extends) is "at the front portion of the body." Because the opening from which the arm extends is on the front portion of the body, the arm extending out of that opening must extend forward, rather than outward and backward. In fact, Johnson discloses that the arm is part of the support rod (see col. 4, line 17), and the support rod is configured to flex "when pulled in one direction by a fish on

the hook and in the other direction by a fisherman.” (See col. 4, lines 30-33). It is clear that Johnson discloses a lure where a fish on the hook must pull the lure in an opposite direction from the orientation of the arm, which, as the Examiner correctly indicates, extends forwardly from the opening in the front portion of the body.

Claim 3 of the present invention adds the limitation that the arm is flexible. The purposes of the flexibility of the elongated arm, as disclosed, are to allow the arms to bend when the lure is pulled through the water, to allow the lure to brush the bottom surface of the water without grabbing plants and debris, and to provide additional movement to attract fish. The arm in Johnson is not flexible, but rigid to hold its shape. The only flexing disclosed in Johnson is that the arm allows flexing when pulled in one direction by a fish on the hook and in the other direction by the fisherman (see col.4, lines 30-33). There is no disclosure that the arm bends when the lure is pulled through the water or to prevent the lure from grabbing plants or debris. Furthermore, Johnson does not disclose the arm is flexible to allow additional movement to attract fish.

For the reasons stated herein above, it is apparent that Johnson clearly does not disclose every element of Claim 1, as amended, and Claim 3, and those claims patentably distinguish over Johnson. Claims 3, 5, and 9 depend from and further limit Claim 1. Thus, Dependent Claims 3, 5, and 9, also patentably distinguish over Johnson.

Claim 10 requires the sleeve to be within the opening and extend from the body. These limitations are not found in Johnson. As previously discussed, the sleeve in Johnson is disclosed and shown as wholly disposed within the body of the lure, and not within the opening or extending from the body, as Claim 10 requires.

Claim 10 further requires that the wire arm extends outwardly and backwardly from the body. As discussed in regard to the Examiner’s rejection of Claim 1 above, the arm in Johnson extends out of an opening at the front portion of the body. Thus, because the opening from which the arm

extends is on the front portion of the body, the arm extending from that opening must extend in a forward direction, not an outward or backward direction. Johnson clearly does not contain all of the limitations of Claim 10. Thus, it is evident that Claim 10 patentably distinguishes Johnson. Claim 11 is dependent upon Claim 10. Therefore, it is also clear that Claim 11 is patentably distinguishable from the Johnson reference.

Claims 1 and 9/1

The Examiner rejects Claims 1 and 9/1 under 35 U.S.C. §102(b) as being anticipated by each of the following references: Kaecker (U.S. Patent No. 5,092,073), Taibi (U.S. Patent No. 5,974,723), Boullt et al. (U.S. Patent No. 5,605,004), Davenport (U.S. Patent No. 1,645,644), and Phillips (U.S. Patent No. 4,777,758). However, none of these references disclose all the limitations of Claim 1 as amended, or Dependent Claim 9/1.

The Examiner asserts that Kaecker discloses a body (20); a hook (21); at least one opening (31) at least one sleeve (31) in the opening; and at least one elongated arm (25). However, it is apparent that Kaecker does not teach every element of Claims 1 or 9/1.

First, Claim 1 requires at least one opening extending into the body, and a sleeve that is securable in at least one opening. Thus, in order to satisfy Claim 1 of the present invention, the prior art reference must have an opening extending into the body of a lure, *and* a separate and distinct sleeve securable within (and extending from) that opening. However, Kaecker does not disclose these limitations. Reference 31, which the Examiner construes both as an opening and a sleeve in the opening, is disclosed as an “upwardly and rearwardly opening sleeve or socket,” which is part of the body of the lure and is not a separate sleeve securable within the opening.

Second, Kaecker does not disclose an elongated arm securable within the sleeve. In fact, reference 25, which the Examiner claims satisfies the limitation of Claim 1 of “at least one elongated arm” is specifically disclosed as a “bristle type weed guard.” (See col. 2, line 14). It is known in the

art of fishing lures that weed guards are made of a cluster of nylon, rubber or plastic strips to cover the hook (see Fig 1). To construe the “bristle type weed guard” disclosed in Kaecker as satisfying the limitation of Claim 1 of “at least one elongated arm” clearly expands the scope Kaecker beyond its actual disclosure and stretches anticipation beyond its intended limits.

Third, Claim 1, as amended, adds the limitation of crimping the sleeve to secure the elongated arm. Kaecker does not disclose a sleeve crimped to secure an arm to the body.

Finally, Claim 9/1 adds the limitation that the elongated arm is wire. However, as described above, reference 25 in Kaecker is clearly described as a “bristle type weed guard”, which is known in the art as being made of nylon, rubber or plastic strips. Thus, the bristle type weed guard clearly does not satisfy the requirement that the elongated arm is wire. For these reasons, it is abundantly clear that Kaecker does not anticipate Claims 1 or 9/1. Thus, the Examiner’s anticipation rejection of Independent Claim 1 and Dependent Claim 9/1 should be withdrawn.

The Examiner also asserts that Taibi and Boullt, et al. each anticipate Claims 1 and 9/1. However, Claim 1, as amended, adds the limitations of a sleeve that is crimped to secure an elongated arm and connect the arm to the body, and that the arm extends outwardly and backwardly from the body. Neither Taibi nor Boullt, et al. disclose these limitations.

Taibi discloses a hollow hook arm (referenced by the Examiner as a “sleeve”) attached directly to the hook (see Taibi col. 5, lines 1-2), with a wire weed guard (referenced by the Examiner as an “arm”) “disposed within the hollow of the hook arm completely through, including the loop and attachment to the hook” (see Taibi col. 5, lines 14-16). The hook arm in Taibi does not secure the wire weed guard to the body of the lure, but rather it is used to add stiffness to the wire weed guard (see Taibi, col. 5, lines 31-32). Furthermore, Taibi does not disclose that the sleeve is crimped to secure an arm to the sleeve or connect the arm to the body.

Similarly, Boullt et al. discloses an arm within a hollow tube which is used to add stiffness to

the arm (see Boullt, col. 4, lines 36-38). The hollow tube is not crimped and is not used to secure the arm to the body of the lure.

Taibi nor Boullt et al. either disclose that the arm extends outwardly and backwardly from the body of the lure. In fact, an examination of both Taibi and Boullt et al. shows that the arm extends forwardly from the body, not backwardly. For these reasons, it is apparent that neither Taibi nor Boullt et al. disclose all limitations of Claim 1 as amended, and Claim 1 patentably distinguishes Boullt et al. and Taibi. Because Claim 9/1 is dependent upon Claim 1, it also is patentably distinguishable over Boullt et al. and Taibi.

The Examiner also references Davenport to anticipate Claims 1 and 9/1. Davenport does not teach at least three limitations of Claim 1. First, Davenport does not disclose a hook secured to the body. Instead, Davenport specifically discloses that the hook is secured to a metal plate (see page 1 of the specification, lines 64-74). Second, Davenport does not disclose at least one elongated arm securable within the sleeve. Again, the wire guards are disclosed as being secured to the metal plate (see page 1 of the specification, lines 98-105). Third, Claim 1, as amended, adds the limitation that the sleeve is crimped to secure the arm within the sleeve. Davenport does not disclose this additional limitation. There is no crimping of a sleeve to secure an arm. For these reasons, it is obvious that Davenport is not relevant prior art that anticipates Independent Claim 1 and Dependent Claim 9/1 of the present invention.

The Examiner also asserts that Phillips anticipates Claim 1 and 9/1 of the present invention. In order to satisfy Claim 1, as amended, the prior art reference must have a sleeve that is crimped to secure the elongated arm within the sleeve. Phillips does not disclose crimping the sleeve. In fact, the alleged sleeve in Phillips has a complicated shape with shoulders or threads for the connection of appendages (see Fig. 9). A feature of the present invention is that the sleeve is simplistically manufactured such that a selection of differing elongated arms can be inserted into the sleeve, then

the sleeve is crimped to secure the arm and connect it to the body. It is apparent from examining Fig. 9 that the sleeve in Phillips cannot be crimped. This lack of crimping makes it clear that Independent Claim 1, as amended and Dependent Claim 9/1 patentably distinguish over Phillips as well.

E. Claim Rejections Under 35 U.S.C. §103(a)

The Examiner rejects Claims 2-5, 9/2, 9/3, and 10; Claims 6-8; and Claim 11 as obvious in view of various references discussed in detail herein below. As previously mentioned, Claims 2 and 4 have been cancelled, and the limitations contained therein are now added to Claim 1 by amendment.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. M.P.E.P. §2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in the applicant's disclosure. *In re: Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991). If an independent claim is nonobvious under 35 U.S.C §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1296 (Fed. Cir. 1988); M.P.E.P. §2143.03. As set forth in detail below, Applicant respectfully disagrees with the Examiner's obviousness rejections.

Claims 6-8

The Examiner asserts that a combination of Johnson in view of Grove et. al. (U.S. Patent No. 4,884,358) teaches every limitation of Claims 6-8 of the present invention. However, it is clear that Johnson and Grove et al., when combined, do not teach all limitations. Claim 6 is a dependent claim that contains all limitations of Claims 1, 3, and 5. As previously shown, Johnson does not teach all

limitations of Claims 1, 3, and 5. Applicant reasserts here those arguments made in response to the Examiner's anticipation rejection stated herein above. A combination of Johnson and the secondary reference of Grove et al. does not teach every limitation of Claims 6-8, nor all limitations of the claims from which Claims 6-8 depend.

Specifically, regarding Independent Claim 1, the combination does not teach a sleeve secured in an opening and extending from the body or an elongated arm that extends outwardly and backwardly from the body. Neither Johnson nor Grove et al. disclose an arm extending backwardly from the lure. Grove et al. discloses an arm extending outwardly from the body, but not backwardly.

In fact, the arm in Grove et al. is described and shown as perpendicular (orthogonally) to the body of the lure (see col. 3, lines 56-58). Furthermore, Grove et al. does not disclose a sleeve at all. Thus, a combination of Johnson and Grove et al. does not disclose a sleeve securable in an opening, or extending from the body.

Claim 3 requires the elongated arm to be flexible. As set forth above, Johnson clearly does not disclose a flexible arm. There is no disclosure that the arms in Grove et al. are flexible either. Thus, a combination of Johnson and Grove et al. does not satisfy the limitations of Claim 3.

Claim 7 adds the limitation that the body is lead, yet this limitation is absent from both Johnson and Grove et al. It is therefore clear that the combination of Johnson and Grove teach all limitations of Claim 7.

The combination of Johnson and Grove et al. must teach every element of Independent Claim 1 and Dependent Claims 3 and 5, from which Claims 6-8 depend, as well as all limitations of Claims 6-8, in order to satisfy the obviousness requirement. Claim 7 depends on Claims 1, 3, 5, and 6, and Claim 8 depends on Claims 1, 3, 5, 6, and 7. Thus, the references cited by the Examiner must contain all limitations of Claims 1, 3, 5, 6, and 7. Because these references do not, it is clear that they are improper citations of prior art. For these reasons, the Examiner's obviousness rejection of

Claims 6-8 should be withdrawn.

The Examiner also rejects Claims 6-8 as obvious over Taibi and McWethy, Jr. (U.S. Patent No. 5,596,831) and further in view of Morlen, I. (Pub. No. US 2004/0074134). Because Claims 6-8 are dependent upon Claims 1, 3, and 5, the combination of the references must disclose all elements of those claims as well. It is clear that combination of Taibi, McWethy, Jr., and Morlen, I. do not disclose all limitations of Claims 6-8 or the claims from which they depend.

Independent Claim 1 discloses an arm within a sleeve extending outwardly and backwardly from the body, and the sleeve is crimped to secure the arm within the sleeve. None of the references cited by the Examiner show or describe an arm extending outwardly and backwardly. Taibi and Morlen, I. disclose an arm that extends forwardly from the body, but not outwardly or backwardly. McWethy, Jr. discloses an arm disposed directly behind the body, but not outwardly from that body. Instead, the arm is attached to a loop piece (31) which extends from the body. Furthermore, none of these references disclose a sleeve crimped to secure the arm within the sleeve. As previously discussed, Taibi discloses a hollow hook arm ("sleeve" as referenced by the Examiner) attached directly to the hook (see Taibi col. 5, lines 1-2), with a wire weed guard ("arm" as referenced by the Examiner) "disposed within the hollow of the hook arm completely through, including the loop and attachment to the hook" (see Taibi col. 5, lines 14-16). It does not disclose crimping the sleeve to secure the arm within the sleeve. Morlen, I. does not disclose a sleeve at all. McWethy, Jr. discloses a sleeve that is crimped, but the sleeve is crimped to secure a loop piece, which is interengaged with another loop, not to secure an arm within the sleeve (see col. 3, lines 65-67). Because none of the references cited by the Examiner disclose these limitations, Claim 1 clearly patentably distinguishes the references. Because Claims 6-8 are dependent upon Claim 1, they too are patentably distinguishable.

Claim 3 adds the limitation that the arm is flexible. As pointed out previously, the arm in

Taibi is not flexible, but rigid. There is no disclosure in McWethy, Jr. or Morlen, I. of the arms being flexible. Therefore, it is apparent that these references do not disclose all limitations of Claim 3, from which Claims 6-8 depend. Thus, Claims 6-8 patently distinguish these references.

Regarding Claim 6, the Examiner admits that Taibi and McWethy, Jr. do not disclose a spinning element swivelly connected to the distal end of the shank, but asserts that Morlen, I. does. However, the spinning element identified by the Examiner in Morlen, I. specifically shows and discloses a spinner attached to a curved portion of a hook (see paragraphs 15-16).

For these reasons, it is evident that the combination of Taibi, McWethy, Jr., and Morlen, I. does not disclose all limitations of Claims 6-8, or the claims from which they depend, namely Independent Claim 1 and Dependent Claims 3 and 5. Therefore, the Examiner's obviousness rejection of Claims 6-8 is improper. Applicant respectfully requests that this rejection be withdrawn.

Finally, the Examiner also rejects Claims 6-8 as obvious over Boult et al. and McWethy, Jr. in view of Morlen, I. Because Claims 6-8 are dependent upon Claims 1, 3, and 5, the combination of Boult et al., McWethy, Jr., and Morlen, I. must disclose all elements of those claims as well. It is clear that combination of these references do not disclose all limitations of Claims 6-8 or the claims from which they depend.

As previously discussed, McWethy, Jr. and Morlen, I. do not disclose an arm extending outwardly and backwardly from the body of the lure, or a sleeve that is crimped to secure the arm within the sleeve, as required by Claim 1. Boult et al. does not disclose these limitations either. Boult et al. discloses an arm within a hollow tube which is used to add stiffness to the arm (see col. 4, lines 36-38). The hollow tube is not crimped to secure the arm within the sleeve, but rather

attaches the hook to the arm (see col. 5, lines 31-34). Furthermore, as with Taibi, the arm in Boullt et al. is disclosed as extending forwardly from the body of the lure, not outwardly or backwardly (see Fig. 1).

Regarding Claim 3, the arm, as disclosed in Boullt et al. is made rigid by the sleeve, not flexible (see col. 4, lines 35-37). Furthermore, McWethy, Jr. and Morlen, I. do not disclose the limitation of Claim 3 that the arm is flexible. Because none of the references cited by the Examiner show this limitation, it is apparent that Claim 3 is patentably distinguishable from these references. Because Claims 6-8 depend on Claim 3, this rejection should be withdrawn.

Regarding Claim 6, the Examiner admits that Boullt et al. and McWethy, Jr. do not disclose a spinning element swivelly connected to the distal end of the shank, but asserts that Morlen, I. does so disclose. Because Morlen, I. discloses a spinner attached to a hook, not a shank, as discussed above, it is apparent that a combination of Boullt et al, McWethy Jr., and Morlen, I. does not teach all limitations of Claim 6.

For these reasons, the combination of Boullt et al., McWethy, Jr., and Morlen, I. do not disclose all limitations of Claims 6-8, or the claims from which they depend, namely Independent Claim 1 and Dependent Claim 3. Therefore, the Examiner's obviousness rejection of Claims 6-8 is improper. Applicant respectfully requests that this rejection be withdrawn.

Claims 2-5, 9/2, 9/3, and 10

The Examiner asserts that Claims 2-5 and 9 are obvious over Taibi in view of McWethy, Jr. Claims 3, 5, and 9 are dependent upon Independent Claim 1. Therefore, the references cited by the Examiner must contain every limitation of Claim 1. These references clearly do not teach all limitations of Independent Claim 1, as amended, and thus Dependent Claims 3, 5, and 9.

Claim 1, as amended, discloses an arm within a sleeve extending outwardly and backwardly from the body, and the sleeve is crimped to secure the arm within the sleeve. Neither of the

references cited by the examiner show or describe an arm extending outwardly and backwardly. Taibi discloses an arm that extends forwardly from the body, but not outwardly or backwardly. McWethy, Jr. discloses an arm disposed directly behind the body, but not outwardly from that body.

Furthermore, neither of these references discloses a sleeve crimped to secure the arm within the sleeve. As previously discussed, Taibi discloses a hollow hook arm attached directly to the hook (see Taibi col. 5, lines 1-2), with a wire weed guard “disposed within the hollow of the hook arm completely through, including the loop and attachment to the hook” (see Taibi col. 5, lines 14-16). It does not disclose crimping the sleeve to secure the arm within the sleeve. McWethy, Jr. discloses a sleeve that is crimped, but the sleeve is crimped to secure a loop, which is interengaged with another loop, not to secure an arm within the sleeve (see col. 3, lines 65-67). Because neither of these references discloses these limitations, Claim 1 clearly patentably distinguishes the references.

Claim 3 adds the limitation that the arm is flexible. As pointed out previously, the arm in Taibi is not flexible, but rigid. There is no disclosure in McWethy, Jr. of the arm being flexible. The arm in McWethy, Jr. is attached to a hook, which suggests that the arm is rigid to stabilize the hook, not flexible. Therefore, it is apparent that these references do not disclose all limitations of Claim 3. Thus, Claim 3 patentably distinguishes these references.

The Examiner further asserts that Taibi discloses every element of Claim 5. However, because Taibi does not disclose all the elements of Claims 1 and 3, from which Claim 5 depends, it too patentably distinguishes Taibi.

It is clear that a combination of Taibi and McWethy, Jr. does not teach all limitations of Claim 1, as amended, or Claim 3. Because Claims 3, 5, and 9 are dependent upon Claim 1, they too patentably distinguish the references cited by the Examiner. As such, it is evident from the foregoing that the obviousness rejections for Claims 3, 5, and 9 should be withdrawn.

The Examiner also combines Taibi and McWethy, Jr. to reject Claim 10. Claim 10 discloses the limitations of a wire arm securable within a sleeve and extending outwardly and backwardly from the body, and the sleeve is crimped to secure the wire arm within the sleeve. Neither Taibi nor McWethy, Jr. shows or describes a wire arm extending outwardly and backwardly, or a sleeve crimped to secure the arm within the sleeve. Taibi discloses an arm that extends forwardly from the body, but not outwardly or backwardly. McWethy, Jr. discloses an arm disposed directly behind the body, but not outwardly from that body. Furthermore, Taibi discloses a sleeve attached directly to the hook (see Taibi col. 5, lines 1-2), with a wire weed guard disposed within the sleeve, which is around the hook. (see Taibi col. 5, lines 14-16). It does not disclose crimping the sleeve to secure the arm within the sleeve. McWethy, Jr. discloses a sleeve that is crimped, but the sleeve is crimped to secure a loop, which is attached to another loop, not to secure an arm within the sleeve (see col. 3, lines 65-67). Because neither of these references discloses these limitations, Claim 10 clearly patentably distinguishes the references. Thus, the Examiner's obviousness rejection of Claim 10 should also be withdrawn.

The Examiner also asserts that Claims 2-5 and 9 are obvious over Boullt et al. in view of McWethy, Jr. Claims 3, 5, and 9 are dependent upon Independent Claim 1. Therefore, they must contain every limitation of Claim 1. The references cited by the Examiner clearly do not teach all limitations of Independent Claim 1 as amended, or Dependent Claim 3. Because Claims 5 and 9 depend on Claim 1, they too distinguish these references.

Claim 1 discloses an arm within a sleeve extending outwardly and backwardly from the body, and the sleeve is crimped to secure the arm within the sleeve. McWethy, Jr. does not disclose an arm extending outwardly and backwardly from the body of the lure, or a sleeve that is crimped to secure the arm within the sleeve, as required by Claim 1. Boullt et al. does not disclose these limitations either. Boullt discloses an arm within a sleeve, but the sleeve is not crimped to secure the arm within

the sleeve. Furthermore, as with Taibi, the arm in Boult et al. is disclosed as extending forwardly from the body of the lure, not outwardly or backwardly.

Regarding Claim 3, the arm, as disclosed in Boult et al. is made rigid by the sleeve, not flexible (see col. 4, lines 35-37). McWethy, Jr. also does not disclose the limitation of Claim 3 that the arm is flexible. Because none of the references cited by the Examiner show this limitation, it is apparent that Claim 3 is patentably distinguishable from these references.

The Examiner further asserts that Boult et al. discloses every element of Claim 5. However, because Boult et al. do not disclose all the elements of Claims 1 and 3, from which Claim 5 depends, it too is patentably distinguishable.

It is clear that a combination of Boult et al. and McWethy, Jr. does not teach all limitations of Claim 1, as amended, or Claim 3. Because Claims 3, 5, and 9 are dependent upon Claim 1, they too patentably distinguish the references cited by the Examiner. As such, it is evident from the foregoing that the obviousness rejections for Claims 3, 5, and 9 should be withdrawn.

The Examiner also combines Boult et al. and McWethy, Jr. to reject Claim 10. Claim 10 discloses the limitations of a wire arm securable within a sleeve and extending outwardly and backwardly from the body, and the sleeve is crimped to secure the wire arm within the sleeve. Boult et al. and McWethy, Jr. do not show or describe a wire arm extending outwardly and backwardly, or a sleeve crimped to secure the arm within the sleeve. Boult, et al. discloses an arm that extends forwardly from the body, but not outwardly or backwardly. McWethy, Jr. discloses an arm disposed directly behind the body, but not outwardly from that body. Furthermore, Boult et al. discloses an arm within a sleeve, but the sleeve is not crimped to secure the arm within the sleeve. McWethy, Jr. discloses a sleeve that is crimped, but the sleeve is crimped to secure a loop, which is attached to another loop, which is attached to another crimp attached to yet another loop, which is then attached to a hook. However there is no disclosure of securing an arm within the sleeve (see col. 3, lines 65-

67). Because neither of these references discloses these limitations, Claim 10 clearly patentably distinguishes the references.

Claim 11

Examiner rejects Claim 11 as being obvious over Taibi and McWethy, Jr., as applied to Claim 10, and further in view of Storey (U.S. Patent No. 5,983,554). Claim 11 is dependent upon Independent Claim 10, with the added limitation that the arm is flexible cable wire. Storey discloses flexible cable wire arms. However, Storey does not disclose a wire arm extending outwardly and backwardly of the body, or a sleeve that is crimped to secure the arm within the sleeve. As set forth above, Taibi and McWethy, Jr. do not disclose these elements of Claim 10 either. Thus, the adding of Storey, which does not disclose the limitations of Claim 10 that are missing from Taibi and McWethy, Jr., clearly does not pass the standard for obviousness. These rejections should be withdrawn.

Finally, the Examiner also rejects Claim 11 as being obvious over Taibi and McWethy, Jr. as applied to Claim 10, and further in view of Gentry (U.S. Patent No. 4,901,470) or Pingle (U.S. Patent No. 4,815,233). Although Gentry and Pingle do disclose flexible cable wire arms, neither discloses a wire arm extending outwardly and backwardly of the body, or a sleeve that is crimped to secure the arm within the sleeve. Thus, this rejection should be withdrawn for the same reason that the obvious rejection over Taibi, McWethy, Jr. and Storey should be withdrawn, namely that the combination of Taibi, McWethy, Jr., and Gentry or Pingle still fails to disclose the limitations of a wire arm extending outwardly and backwardly of the body, or a sleeve that is crimped to secure the arm within the sleeve.

CONCLUSION

In view of the amendments to the claims and the remarks following, Applicant submits that Claims 1-12 are in condition for allowance. Applicant respectfully requests reconsideration

and withdrawal of the rejections and objections. Allowance of Claims 1-12 at an early date is solicited.

If the Examiner still finds impediments to allowance of Claims 1-12 and, in the opinion of the Examiner, a telephone conference between the undersigned and the Examiner would help remove such impediments, the undersigned respectfully requests a telephone conference.

Respectfully submitted,

GUNN & LEE, P.C.
700 North St. Mary's Street, Suite 1500
San Antonio, Texas 78205-3596
(210) 886-9500 Telephone
(210) 886-9883 Facsimile

By:

A handwritten signature in black ink, appearing to read 'Miguel Villarreal, Jr.', written over a horizontal line.

Miguel Villarreal, Jr.
Regis. No. 55,700